



WWW.RIVKINRADLER.COM

25 Main Street
Court Plaza North, Suite 501
Hackensack, NJ 07601-7082
T 201.287.2460 F 201.489.0495

NANCY A. DEL PIZZO

Partner

(201) 287-2472

nancy.delpizzo@rivkin.com

January 3, 2025

VIA ECF

Hon. Paul A. Engelmayer, U.S.D.J.
United States District Court for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1305
New York, New York 10007

Re: *August Image, LLC v. Complex Media Holdings, LLC*
C.A.N.: 24-cv-8433 (PAE) (RWL)

Dear Judge Engelmayer:

This firm represents defendants. Plaintiff filed an action against three entities, Complex Media Holdings, LLC, BuzzFeed, Inc. and Commerce Media Holdings, LLC, for copyright infringement of photographs alleged to have been used without authorization on Instagram in 2022 and 2023. In 2022 and 2023, the alleged infringing Instagram account was owned and operated by Complex Media, Inc., whose parent company was and is BuzzFeed, Inc. We write to inform the Court that we have conferred with plaintiff's counsel, and informed him that the defendant entity, Complex Media Holdings, LLC, no longer exists, did not exist in 2022 and 2023, and did not own and operate the Instagram account in issue at any relevant time.

Accordingly, we respectfully request that the caption of this matter be revised to replace the entity Complex Media Holdings, LLC with Complex Media, Inc. We enclose a stipulation to which the parties have agreed. If the stipulation meets with Your Honor's approval, we respectfully request that your Honor sign and have it entered on the docket.

Defendants do not agree that the three defendants are (or could be) jointly liable for the direct infringement claimed and leave plaintiff to its proofs. This letter and stipulation is intended solely to correct the defendant party.

We thank the Court for its consideration.

Respectfully,

s/Nancy A. Del Pizzo
Nancy A. Del Pizzo

c: Counsel of Record (via ECF)